APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,240	12/03/2003	Jose Abad Peiro	200313161-1	4907

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EXAMINER
TRAN, QUOC A

ART UNIT	PAPER NUMBER
2176	

NOTIFICATION DATE	DELIVERY MODE
07/02/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
	10/727,240	PEIRO ET AL.
Office Action Summary	Examiner	Art Unit	
	Quoc A. Tran	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 March 2008</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>35-54</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>35-54</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>07 March 2008</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some *　c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)		4) ☐ Interview Summary (PTO-413)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)		Paper No(s)/Mail Date. _____
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)		5) ☐ Notice of Informal Patent Application
Paper No(s)/Mail Date _____.		6) ☐ Other: _____

DETAILED ACTION

This is **Final** Rejection in response to the Amendment and Remarks filed on

003/07/2008.

Claims 35-54 are pending. Claims 1-34 were previously cancelled; claim 48 is

currently amended. Claims 35, 42 and 49 are independent claims, filing date

12/03/2003 (HP).

Based on the amendment to claim 48, the objection previously set forth is

withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 35-54 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kloosterman et al. US 20040066527A1 – filed 10/02/2002 [hereinafter

"Kloosterman"], in view of Kueny US007020837B1 filed 11/29/2001 [hereinafter

"Kueny"].

Regarding independent claim 35, Kloosterman teaches:

> *A processor-readable medium comprising processor- executable instructions for generating a PPML (personalized print markup language) document, the processor-executable instructions comprising instructions for: marking a first PDF document to create a PPML template, wherein portions of the first PDF document are marked to become variables in the PPML template and other portions of the first PDF document are marked to become a background in the PPML template;*

(See Kloosterman at Page 4 Para 32-35, discloses the raster image processor (RIP) where the Job Doc Page Mark (PDF Objects) on every page in the VDP (Variable Data Print), the VDP is a portion of PPML/VDX, and the VDP composes a template consisting of static images, graphics and text as well as variable images, graphics and text (i.e. a print job could have a graphical box designated to contain a picture of an automobile for an advertisement to every person listed within a recipient database, the decision for the variable data that will be used for the automobile, where the marked file is .PDF.)

> *populating the PPML template with content and data, wherein the content and data are put into locations within the PPML template associated with the portions of the first PDF document marked to become variable, thereby creating the PPML document;*

(See Kloosterman at Page 1 Para 8, discloses a page definition mark up language, called Personalized Print Markup Language (PPML) (i.e. PPML template).

Also, see Kloosterman at Pages 1-2 Para 10, discloses VDX is use to create the composite definition of PPML/VDX (i.e. PPML template).

Also, see Kloosterman at Page 4 Para 32-35, discloses the raster image processor (RIP) where the Job Doc Page Mark (PDF Objects) on every page in the VDP (Variable Data Print), the VDP is a portion of PPML/VDX, and the VDP composes a template consisting of static images, graphics and text as well as variable images, graphics and text (i.e. a print job could have a graphical box designated to contain a picture of an automobile for an advertisement to every person listed within a recipient database, the decision for the variable data that will be used for the automobile, where the marked file is .PDF.)

and printing the second PDF document.

(See Kloosterman at Page 10 Para 106, discloses Printing Device by Print Job and Update Finish Verification File 410, the PPML/VDX file and the associated Job Ticket/Finish Verification file will be used by the printing device to impose and print the job. The entire job is printed as described by the PPML for the page layout, the PDF objects for page content.)

Kloosterman does not expressly teach, but Kueny teaches:

A processor-readable medium comprising processor- executable instructions for translating the PPML document into a PDF (portable document format) document.

(See Kueny, Col. 1, Lines 45-50, discloses RIP Processor, and PDF.

Also, see Kueny Col. 2, Lines 40-65, teaching a technique for creating a compressed form of Adobe PDF from PPML (i.e. *the compositing language using hereinafter is PPML*).

parsing structures within the PPML document; generating a PDF document tree; populating the PDF document tree with objects identified when parsing the PPML document;

(See Kueny, Col. 2, Lines 40-65, teaching a technique for creating a compressed form of Adobe PDF from PPML (i.e. *the compositing language using hereinafter is PPML*), where the composite page description (i.e. PPML document) can be parsed efficiently into a single, random access data structure representing the entire assembly process.

Also, see Kueny, Col. 3, Lines 25-30, discloses each input static PDF file is opened and the PDF pages within the files are located, using the root and tree-structure.)

configuring a second PDF document according to the PDF document tree;

(See Kueny, Col. 3 Line 5 → Col. 4, Line 25, teaching each input static PDF file is opened and the PDF pages within the files are located, using the root and tree-structure, and each static page to be composite (PPML) into an new output page (i.e. second PDF).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kloosterman's finishing verification printing method to include a means of translating the PPML document into a PDF (portable document format)

document, parsing structures within the PPML document; generating a PDF document

tree; populating the PDF document tree with objects identified when parsing the PPML

document; configuring a second PDF document according to the PDF document tree of

Kueny, because the PPML/VDX of Kloosterman with the a technique for creating a

compressed form of Adobe PDF from PPML (i.e. *the compositing language using*

hereinafter is PPML) of Kueny, produces a predictable result of utilizing the well known

in the art include ASCII text, PDF-Express script, PPML languages where each resulting

composite page (PPML document) is described separately. Within the description of

each composite page, every placement of a PDF page from a static PDF (See Kueny

col. 2, Lines 55-65.)

Regarding independent claim 42, the rejection of claim 35 is fully incorporated.

In addition, Kloosterman teaches:

> ***providing tools to allow a user to mark a first PDF document to***
> ***create a PPML template, including tools to mark portions of the first PDF***
> ***document to become variables in the PPML template and tools to mark***
> ***other portions of the first PDF document to become a background in the***
> ***PPML template;***

(See Kloosterman at Page 4 Para 32-35, discloses the raster image processor (RIP)

where the Job Doc Page Mark (PDF Objects) on every page in the VDP (Variable Data

Print), the VDP is a portion of PPML/VDX, and the VDP composes a template

consisting of static images, graphics and text as well as variable images, graphics and

text (i.e. a print job could have a graphical box designated to contain a picture of an automobile for an advertisement to every person listed within a recipient database, the decision for the variable data that will be used for the automobile, where the marked file is .PDF.)

Also, See Kloosterman at Page 1 Para 8 discloses a page definition mark up language, called Personalized Print Markup Language (PPML) (i.e. PPML template).

Also, see Kloosterman at Pages 1-2 Para 10, discloses VDX is use to create the composite definition of PPML/VDX (i.e. PPML template).

merge the PPML template with content and data, wherein the content and data are put into locations within the PPML template associated with the portions of the first PDF document marked to become variable, thereby creating the PPML document;

(See Kloosterman at Page 4 Para 32-35, discloses the raster image processor (RIP) where the Job Doc Page Mark (PDF Objects) on every page in the VDP (Variable Data Print), the VDP is a portion of PPML/VDX, and the VDP composes a template consisting of static images, graphics and text as well as variable images, graphics and text (i.e. a print job could have a graphical box designated to contain a picture of an automobile for an advertisement to every person listed within a recipient database, the decision for the variable data that will be used for the automobile, where the marked file is .PDF.

Also, see Kloosterman at Page 4 Para 37, discloses the merge process.)

Regarding independent claim 49,

      is directed a processor readable medium comprising processor executable instruction to perform the method of claim 42 which cites above, and is similarly rejected under the same rationale.

Regarding claim 36, Kloosterman teaches:

> ***resolving tags found when parsing the PPML document referring to external objects by un-marshalling the external objects and inserting them within the PDF document tree.***

(See Kloosterman at Page 4 Para 32-35, discloses the raster image processor (RIP) where the Job Doc Page Mark (PDF Objects) on every page in the VDP (Variable Data Print), the VDP is a portion of PPML/VDX, and the VDP composes a template consisting of static images, graphics and text as well as variable images, graphics and text (i.e. a print job could have a graphical box designated to contain a picture of an automobile for an advertisement to every person listed within a recipient database, the decision for the variable data that will be used for the automobile, where the marked file is .PDF.

      Also, See Kloosterman Para 94, teaching Prepress 20 allows for a valid hierarchy of PPML/VDX tags and attributes to be entered as a variant.)

Regarding claim 37, Kloosterman does not expressly teach, but Kueny teaches:

> *interpreting the parsed structures from the PPML document for*
>
> *attachment to locations on the PDF document tree.*

(See Kueny, Col. 2, Lines 40-65, teaching a technique for creating a compressed form

of Adobe PDF from PPML (i.e. *the compositing language using hereinafter is PPML*),

where the composite page description (i.e. PPML document) can be parsed efficiently

into a single, random access data structure representing the entire assembly process.

Also, see Kueny, Col. 3, Lines 25-30, discloses each input static PDF file is

opened and the PDF pages within the files are located, using the root and tree-

structure.)

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Kloosterman's finishing verification printing method to include a

means of interpreting the parsed structures from the PPML document for attachment to

locations on the PDF document tree of Kueny, produces a predictable result of utilizing

the well known in the art include ASCII text, PDF-Express script, PPML languages

where each resulting composite page (PPML document) is described separately. Within

the description of each composite page, every placement of a PDF page from a static

PDF (See Kueny col. 2, Lines 55-65.)

Regarding claim 38, Kloosterman teaches:

> ***parsing both background and variable structures within the PPML document.***

(See Kloosterman at Page 2 Para 14, discloses PPML/VDX instance is created by a data driven merge process referred to as a variable data merge engine. The merge engine typically executes within an authoring environment for variable data.)

Regarding claim 39, Kloosterman teaches:

> ***assigning rules to govern operation of variables within the PPML template.***

(See Kloosterman at Page 4 Para 32, discloses PPML/VDX templates rules.)

Regarding claim 40, Kloosterman teaches:

> ***wherein the rules are configured as macros.***

(See Kloosterman at Page 4 Para 32 and 38, discloses PPML/VDX templates rules, where author using the rules for the inclusion of variable objects (i.e. rules are configured as macros.))

Regarding claim 41, Kloosterman teaches:

> ***marking text regions for substitution of alternate text; and marking***
>
> ***image regions for substitution of alternate images.***

(See Kloosterman at Page 4 Para 32-35, discloses the PPML/VDX, and the VDP

composes a template consisting of static images, graphics and text as well as variable

images, graphics and text (i.e. a print job could have a graphical box designated to

contain a picture of an automobile for an advertisement to every person listed within a

recipient database, the decision for the variable data that will be used for the

automobile, where the marked file is .PDF.

　　　Also, See Kloosterman Para 94, teaching Prepress 20 allows for a valid

hierarchy of PPML/VDX tags and attributes to be entered as a variant.)

Regarding claims 43-48 respectively,

　　　　　the rejections of claims 36-41 respectively are fully incorporated, and are

similarly rejected under the same rationale.

Regarding claims 50-53 respectively,

　　　　　the rejections of claims 36, 38, and 40-41 respectively are fully

incorporated, and are similarly rejected under the same rationale.

Regarding claim 54,

the rejections of claims 38 and 40 are fully incorporated, and are similarly rejected under the same rationale.

It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

Response to Arguments

<u>Brief description of cited prior arts:</u>

Kloosterman et al, discloses the Variable Data Exchange VDX is a standard, as a production tool for variable data in the form of a VDX instance combined with PPML, wherein PPML/VDX requires that the PPML layout data of a VDX, randomly accessible PDF object stream that is stored within a PDF file. The PPML data may also contain all, of the PDF page object definitions required by the VDX instance that results in a PPML layout data object (See Para 10). Also see Para 32, Kloosterman discloses the graphical artist creates a template consisting of static images, graphics and text as well

as variable images, wherein graphics and text in VDP composition (VDP is family of

PPML/VDX). Also Kloosterman further discloses the selection of a Static Imposition

template for a VDP Family involves consideration of the mapping of the logically

specified media and finishing specifications in the PPML/VDX to the physical

capabilities of the device. PPML/VDX pages may have a logical media name (such as

"Heavy Letter", "Insert1", or "Dave's Favorite Paper Type") which the prepress operator

assigns to a specific paper defined in the device's Media Catalog (such as "Hammermill

#06200-8") based on communication between himself and the PPML/VDX job producer

(i.e. PPML/VDX template), See Kloosterman at Para 127.

     Kueny discloses a technique for creating a compressed form of Adobe PDF from

PPML (i.e. *the compositing language using hereinafter is PPML*); where the composite

page description (i.e. PPML document) can be parsed efficiently into a single, random

access data structure representing the entire assembly process, each input static PDF

file is opened and the PDF pages within the files are located, using the root and tree-

structure, and each static page to be composite (PPML) into an new output page (i.e.

second PDF) See Kueny at Col. 2, Lines 40-65 and Col. 3, Line 5 through Col. 4, Line

25.)

Reponses to remarks:

The Arguments filed on **09/24/2007** has been fully considered but they are not
persuasive. Beginning on page 17 of the Remarks (hereinafter the remarks), Applicant
argues the following issues, which are accordingly addressed below.

Rejection of Claims 35-54 under 35 U.S.C. § 103(a):

Applicant respectfully submits that Kloosterman fails to teach or suggest,
"PPML/VDX document is created by marking a PDF document to create the PPML
template." because Kloosterman teaching of using PDFs as variable values, but does
not teach or suggest marking a PDF document to create a PPML template, See
remarks Pages 9-12.

For purposes of responding to Applicant's remarks, the examiner will assume
that Applicant is arguing for the patentability of Claim 35.

The examiner disagrees.

As discuss in the above Office Action, and for further clarification, it is noted
Kloosterman, discloses the Variable Data Exchange VDX is a standard, as a
production tool for variable data in the form of a VDX instance combined with PPML,
wherein PPML/VDX requires that the PPML layout data of a VDX, randomly accessible
PDF object stream that is stored within a PDF file. Depending upon the conformance
level, the PDF file embedding the PPML data may also contain all, of the PDF page

object definitions required by the VDX instance that results in a PPML layout data object

(See Para 10). Also see Para 32, Kloosterman discloses the graphical artist creates a

template consisting of static images, graphics and text as well as variable images,

wherein graphics and text in VDP composition. Also Kloosterman further discloses the

selection of a Static Imposition template for a VDP Family involves consideration of the

mapping of the logically specified media and finishing specifications in the PPML/VDX

to the physical capabilities of the device. PPML/VDX pages may have a logical media

name (such as "Heavy Letter", "Insert1", or "Dave's Favorite Paper Type") which the

prepress operator assigns to a specific paper defined in the device's Media Catalog

(such as "Hammermill #06200-8") based on communication between himself and the

PPML/VDX job producer (i.e. PPML/VDX template), See Kloosterman at Para 127. Also

see Kloosterman at Para 11-12, discloses the PDF page object definitions required by

the VDX instance that results in a PPML layout data object, wherein PDF files used to

define PPML/VDX compound elements must contain all the supporting resources such

as fonts, image data, and color profiles. PDF files used to define PPML/VDX compound

elements must also define all color content in a known reference device or device

independent color-space (background as PDF). The above interpretation is supported

by the applicant disclosure, which is stated," *a PPML template is formed to include the*

variable objects and to include the PDF document as a background." See applicant's

specification at Page 20, Lines 10-15.

Thus, Kloosterman clearly discloses PPML/VDX document is created by marking

a PDF document to create the PPML template.

Accordingly, for at least all the above evidence, therefore the Examiner respectfully maintains the rejection of claims 35-54 at least at this time (for the argument of claims 36-54 see the remarks Bottom of Page 12 through Top of Page 13).

Conclusion

Accordingly **THIS ACTION IS MADE FINAL** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is 571-272-8664. The examiner can normally be reached on Mon through Fri 8AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on (571)272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

/Quoc A, Tran/
Patent Examiner

/Rachna S Desai/
Primary Examiner, Art Unit 2176